DETAILED ACTION

1. This action is responsive to the papers filed 8/1/2008.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 27-29, 31-40, 42-44, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky (6,141,530) in view of Zigmond et al (6,698,020)

4. Claims 27, 38, and 43: Rabowsky discloses a system and method for providing advertisement information to an audience. In particular, Rabowsky teaches that cinema files are digitized and distributed to theaters electronically for playback. An automated scheduling system is provided in order to automatically play selected advertising with the actual timed movie showings [abstract, 1:61 to 2:5, 7:37-49, 12:8-29]. Rabowsky is taken to provide an enabling disclosure for compiling and assembling a presentation data package (ads + movie) at the headend. Rabowsky states the ability to request headend changes such as insertion of ads targeted to the theater location, yet it is not clear whether the targeted ads are manually or automatically selected and compiled. While Rabowsky teaches the ability to compile a collection of scheduled ads and the movie for each showing, he does not teach how and which particular ads are chosen for

inclusion into the compiled presentation data package. While Rabowsky's movie advertising schedule is clearly automated in terms of playback, he lacks specific teachings for automating the selection of scheduled ads; it is unclear how the ads are chosen for inclusion in the schedule. Zigmond et al teaches a system where video programming is provided with selected targeted advertising. Zigmond et al teaches that conventional prior art systems choose targeted ads based upon location [2:40-43] and that targeted ads can also be selected based upon the content of the video programming, location of the showing, characteristics of the viewer, local time, etc. and then subsequently displayed at the appropriate time [4:25-48]. This selection is accomplished by automatically comparing criteria (that has been entered/input and stored) regarding the audience, showing location and matching that with (input and stored) advertisement metadata/criteria representing the type of audience, type of location, etc. desired by each stored advertisement submitted by the advertiser [col 10-12]. This provides a system whereby job requests are submitted and the system automatically selects appropriately targeted ads for each movie showing. It would have been obvious to one of ordinary skill at the time of the invention to have created the advertising schedule of Rabowsky using similar techniques (matching stored context metadata concerning the movie content, its showing location, time, audience, etc., with stored metadata describing each stored advertisement) so that an appropriate subset of the advertisement collection can be associated and compiled with each actual movie showings. This would provide a more compelling advertisement experience likely to be more well received by the audience than untargeted ads, and would provide a system

whereby administrators only need to specify targeting parameters/context/metadata rather than manually build each presentation data package for every movie showing. The step of generating exposure data is indicative of the number of people that viewed ads is met by exposure reports (col 7, lines 8-11; col 12, lines 30-35; and col 14, lines 20-30). If an advertisement is showed zero times it is indicative of zero audience members seeing it. Ads that were showed many times are indicative of larger exposure numbers than ads shown much less.

5. Claims 28 and 29: Rabowsky and Zigmond et al disclose a system for providing advertisement information to an audience as in Claim 27 above, and Rabowsky further discloses that the scheduling system includes scheduling and playout of all trailers and data files (e.g. advertisements)(col 12, lines 8-28). While it is not explicitly disclosed that more than one job request is associated with an actual movie showing, nor that more than one actual movie showing is associated with a job request, Official Notice is taken that it is old and well known for theaters to display a plurality of advertisements and trailers while the audience is waiting for the actual movie showing to start. Likewise, it is old and well known that theaters present many of the same advertisements (e.g. advertising the theater's concession stand) and trailers to audiences awaiting the start of different actual movie showings. Therefore, it would have been obvious to one having ordinary skill in the art to select a plurality of job request for each actual movie showing and to select a plurality of actual movie showings for each job request in Rabowsky. One would have been motivated to select more than one advertisement per actual movie showing in order to keep the audience

entertained for the 5-30 minutes they are awaiting the start of the actual movie showing. One would have been motivated to select more than one actual movie showing per job request in order to preclude the need to make unique advertisements and trailers for every possible actual movie showing. In other words, there would only need to be one advertisement for the theater's concession stand, not a unique one for each actual movie showing.

6. Claims 31, 42, and 46: Rabowsky and Zigmond et al disclose a system and method for providing advertisement information to an audience as in Claims 27, 38, and 43 above, and Rabowsky further discloses generating an exposure log (report) for data representing the presentation of advertisements, trailers, and the actual movie showings (col 7, lines 8-11; col 12, lines 30-35; and col 14, lines 20-30).

7. Claims 32-34: Rabowsky and Zigmond et al disclose a system for providing advertisement information to an audience as in Claim 27 above, and Rabowsky further discloses the audience common interest data includes information regarding a movie rating, time of day scheduled to be shown, first showing movie, etc. (col 3, lines 22-26; col 7, lines 38-47; col 7, line 61 – col 8, line 41; col 9, lines 43-50; col 10, lines 34-67; and col 12, lines 9-19).

8. Claims 35 and 47: Rabowsky and Zigmond et al disclose a system and method for providing advertisement information to an audience as in Claims 27 and 43 above, and Rabowsky further discloses means for assembling a plurality of frames (tiles) into a composite frame (Figure 3 and col 11, lines 11-46).

9. Claim 36: Rabowsky and Zigmond et al disclose a system for providing advertisement information to an audience as in Claim 35 above, and Rabowsky further discloses using a digital projector to display the composite frame (col 9, lines 43-50 and col 10, lines 34-67).

10. Claim 37: Rabowsky and Zigmond et al disclose a system for providing advertisement information to an audience as in Claim 27 above, and Rabowsky further discloses the system providing an exposure report (col 7, lines 5-13; col 8, lines 1-11; and col 12, lines 30-35).

11. Claims 39 and 44: Rabowsky and Zigmond et al disclose a system and method for providing advertisement information to an audience as in Claims 38 and 43 above, and Rabowsky discloses generating a schedule for playing the non-cinema files (to include advertisements, trailers, etc.) with the scheduled movie at a remote display screen. While neither reference explicitly states that the schedule "comprises an entire presentation in advance of a movie that is scheduled to be shown", it is inherent that since the remote screen displays the data according to the schedule that the schedule must include all of the information being presented (i.e. the entire presentation). While it is not inherent that the entire presentation of the non-cinema data must be shown "in advance of a movie that is scheduled to be shown", Official Notice is taken that it is common within the movie industry to present the advertisements, trailers, previews, etc. before showing the actual movie. This is done to ensure that the greatest number of people view this information since many people will leave the theater as soon as the movie credits begin to roll at the end of the movie. It also would make no business

sense to display an advertisement for the theater's concession stand at the end of the movie. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to display the non-cinema data *in advance* of the movie showing. One would have been motivated to do this for the reasons discussed above.

12. Claim 40: Rabowsky and Zigmond et al disclose a system for providing advertisement information to an audience as in Claim 38 above, but neither reference explicitly discloses a means for identifying duplicate content within a schedule. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to not only check for duplicates within a schedule but to also eliminate any duplicates located. One would have been motivated to check for and eliminate duplicates within the schedule in order to prevent repetitive showings of the same information to the audience. Such repetitive showings, such as duplicate trailers of an upcoming movie, repeating the same advertisement over and over again, etc. are often viewed with contempt or aggravation by the audience and result in lower affinity towards the advertiser (or theater management in the case of duplicate trailers).

Response to Arguments

Applicant argues that because Rabowsky's schedule of movies must be authorized, the movie schedules cannot be automated and also that because Rabowsky allows manual ad insertion and editing of ad schedules, Rabowsky teaches away from automated ad scheduling . Examiner disagrees and argues that Rabowsky's disclosure

includes automated playback for a schedule of ads in association with a schedule of movie showings. Zigmond et al is relied upon to render obvious the automatic creation of a schedule of ads given a stored schedule of movie showtimes. Any authorization that is needed neither inherently renders inoperative, nor teaches away from the predictable benefits of automating the schedule of ads in accordance with known movie showtimes.

Applicant argues that Zigmond et al fails to teach a schedule of ads. Examiner assumes that applicant is arguing Zigmond et al fails to teach scheduling more than one ad into an advertising opportunity/slot. Rabowsky clearly teaches a plurality, or schedule of ads to be shown before a movie as is generally the norm for cinema theaters. Zigmond et al also teaches that an ad slot can be filled by a plurality, or "schedule" of a plurality of ads (figs 2A, 2B). Zigmond et al further is used as a teaching of how to automate targeting of ads to video programming opportunities. Matching 2 or more ads into a pre-movie slot does not seem to be "a far more complex undertaking" as applicant suggests. The same process for choosing a suitable matching 1st ad is repeated for a 2nd ad. One of ordinary skill would recognize further that there is a finite period of time for the pre-movie ad slot; 90 minutes of ads cannot be chosen for a 15 minute slot of pre-movie ads.

Applicant previously argued that Rabowsky compiles the trailer at the headend, but does not teach how the trailer is compiled. Applicant points out that the invention includes automated selection and presentation of the pre-show schedule. The rejection contemplates a modified Rabowsky system wherein the compiled ads and movie of

Rabowsky are improved by Zigmond et al's approach for selecting which ads should be selected: ads targeted to matching metadata about the ads (desired times, locations, audience, etc.) and metadata about the movie (show times, location, movie content, rating). The system can then automatically choose the proper ads (i.e. a schedule of ads) for each movie showing and deliver the presentation package in a manner as disclosed by Rabowsky. Examiner has included a more detailed description of the basis for the rejection as follows regarding these arguments:

Rabowsky is taken to provide an enabling disclosure for compiling and assembling a presentation data package (ads + movie) at the headend. Rabowsky states the ability to request headend changes such as insertion of ads targeted to the theater location, yet it is not clear whether the targeted ads are manually or automatically selected and compiled. While Rabowsky teaches the ability to compile a collection of scheduled ads and the movie for each showing, he does not teach how and which particular ads are chosen for inclusion into the compiled presentation data package. While Rabowsky's movie advertising schedule is clearly automated in terms of playback, he lacks specific teachings for automating the selection of scheduled ads; it is unclear how the ads are chosen for inclusion in the schedule. Zigmond et al teaches a system where video programming is provided with selected targeted advertising. Zigmond et al teaches that conventional prior art systems choose targeted ads based upon location [2:40-43] and that targeted ads can also be selected based upon the content of the video programming, location of the showing, characteristics of the viewer, local time, etc. and then subsequently displayed at the appropriate time [4:25-48]. This

selection is accomplished by automatically comparing criteria (that has been entered/input and stored) regarding the audience, showing location and matching that with (input and stored) advertisement metadata/criteria representing the type of audience, type of location, etc. desired by each stored advertisement submitted by the advertiser [col 10-12]. This provides a system whereby job requests are submitted and the system automatically selects appropriately targeted ads for each movie showing. It would have been obvious to one of ordinary skill at the time of the invention to have created the advertising schedule of Rabowsky using similar techniques (matching stored context metadata concerning the movie content, its showing location and time with stored metadata describing each stored advertisement) so that an appropriate subset of the advertisement collection can be associated and compiled with each actual movie showings. This would provide a more compelling advertisement experience likely to be more well received by the audience than untargeted ads, and would provide a system whereby administrators only need to specify targeting parameters/context/metadata rather than manually build each presentation data package for every movie showing.

Conclusion

This is an RCE of applicant's earlier application. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first

action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 571-272-6716. The examiner can normally be reached on Monday-Fridays; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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